

REMARKS

Claims 1-48 and 50-69 are pending in this application. By this Amendment, claims 6, 36-39 and 45-46 are being amended, and claim 49 has been canceled, in order to place this application in better condition for allowance. It is respectfully submitted that no new matter is contained in this Amendment.

CLAIM OBJECTIONS

Claims 6, 36-39, and 45-46 were objected to for various informalities. Claim 49 was objected to under 37 C.F.R. § 1.75 as being a duplicate of claim 17.

Applicants submit that the objections to claims 6, 36-39 and 45-46 have been overcome by the claim amendments set forth herein.

Claims 58-60 were objected to for use of the term "log unit", which was indicated to be unclear. The term refers to the number of microorganisms, and is understood by those of skill in the art. For example, the present specification uses log units to compare the number of microorganisms present on control plants and plants treated in accordance with the present invention in Example 9 and Table 8, found on pages 38-39.

Applicants therefore respectfully request withdrawal of the objection to claims 58-60.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Blum et al. (U.S. Patent No. 5,885,600, hereinafter "Blum"), Grainge et al. (Handbook of Plants with Pest-Control Properties, p. xii-xiv, 17018, 43-45, 1988, hereinafter "Grainge") and Rausing et al. (U.S. Patent No. 3,165,394, hereinafter

“Rausing”). Applicants respectfully traverse this rejection.

The novelty of the claimed invention is the synergistic mixture of urine and neem and garlic fermented in an earthen or copper vessel, which is useful as a plant and soil health enhancer. It also has the following qualities: (1) it stimulates accumulation of nutrients in the plant biomass; (2) it causes proliferation of plant growth promoting microorganisms; (3) it causes proliferation of phosphate solubilizing microorganisms; (4) it causes proliferation of abiotic stress tolerant microorganisms; (5) it causes proliferation of antagonists towards plant pathogenic fungi; (6) it controls phytopathogenic fungi in the rhizosphere of plants; and (7) it causes enhancement of the total phenolic contents of the plants. These benefits are not achieved by the prior art.

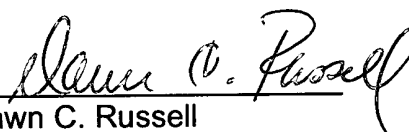
Blum, Grange, and Rausing, taken alone or in combination, fail to disclose or suggest a synergistic, fermented composition including bovine urine, crushed neem leaves, and crushed garlic in the claimed amounts for use in promoting plant growth. Further, there is no motivation to combine the references in the manner suggested. Blum relates to insect repellants prepared from oils, including neem oil and garlic oil. Grange is cited for teaching that neem and garlic have pesticide properties. Rausing relates to manure composts that are odorless and well-suited for commercial sale. The proposed combination would render the odorless compost of Rausing unsuitable for its intended purpose, and is therefore improper. Applicants therefore submit that *prima facie* obviousness has not been established.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-48 and 50-69 and the prompt issuance of a Notice of Allowability are respectfully solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, making reference to Attorney Docket No. 026033-00003.

Respectfully submitted,


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